

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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GARY LA BARBERA, THOMAS GESUALDI, :  
LAWRENCE KUDLA, LOUIS BISIGNANO, :  
ANTHONY PIROZZI, FRANK FINKEL, :  
JOSEPH FERRARA, SR., LYNN MOUREY, :  
MARC HERBST, and THOMAS PIALI, :  
as Trustees and Fiduciaries of the Local 282 :  
Pension Fund Trust, :

Plaintiffs, :

- against - :

Dkt No. 07 CV 5763 (JSR)

**ANSWER OF CHATHAM  
DEFENDANTS TO CROSS-  
CLAIMS OF  
PURE EARTH DEFENDANTS**

JUDA CONSTRUCTION, LTD. :  
FULLERTON LAND DEVELOPMENT, LTD., :  
a/k/a FULLERTON AVENUE LAND :  
DEVELOPMENT, LTD.; CTJ CONSTRUCTION, :  
LTD.; CHATHAM CONSTRUCTION, LTD.; :  
TORRETTA TRUCKING INC.; :  
FINESSE CONSTRUCTION, LLC; :  
INNOVATIVE DISPOSAL SYSTEMS LLC; :  
PURE EARTH, INC.; PURE EARTH :  
TRANSPORTATION AND DISPOSAL :  
SYSTEMS, INC., a/k/a AMERICAN :  
TRANSPORTATION AND DISPOSAL :  
SYSTEMS, LTD.; PURE EARTH MATERIALS, :  
INC., a/k/a SOUTH JERSEY DEVELOPMENT, :  
INC.; THOMAS ATTONITO; NICHOLAS :  
PANICCIA; and CHRISTOPHER UZZI, :

Defendants. :

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Defendants Fullerton Land Development, LTD., a/k/a Fullerton Avenue Land Development, LTD., CTJ Construction, LTD, Chatham Construction, LTD, Torretta Trucking, Inc., Thomas Attonito, Nicholas Paniccia and Christopher Uzzi (collectively, the “Chatham defendants”) by and

through their counsel, Trivella, Forte & Smith, LLP, hereby answer the Cross-Claim asserted by JUDA CONSTRUCTION, LTD., PURE EARTH, INC., PURE EARTH TRANSPORTATION AND DISPOSAL SYSTEMS, INC. a/k/a AMERICAN TRANSPORTATION AND DISPOSAL SYSTEMS, LTD., and PURE EARTH MATERIALS, INC. a/k/a SOUTH JERSEY DEVELOPMENT, INC. (hereinafter the “Pure Earth Defendants”) as follows:

1. Deny the allegations set forth in the Cross-Claims of the Pure Earth defendants in their Answer to Second Amended Complaint filed September 19, 2007, at pages 37-38.


WHEREFORE, the Fullerton Land Development, LTD., a/k/a Fullerton Avenue Land Development, LTD., CTJ Construction, LTD, Chatham Construction, LTD, Torretta Trucking, Inc., Thomas Attonito, Nicholas Paniccia and Christopher Uzzi defendants demand judgment be granted as follows:

- A. Dismissing the Cross-Claims of the Pure Earth defendants with prejudice and without costs or attorneys’ fees.
- B. Granting the Chatham defendants attorneys’ fees, costs and disbursements to the extent provided by contract, statute or otherwise; and

C. Together with such other, further and different relief as the Court deems just and proper.

DATED: White Plains, New York  
September 24, 2007

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